

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTSCASE NO. CR05-10155United States of AmericaPLAINTIFFVictor WildThomas CabanaJanet SmithDEFENDANTOscar CruzGlen RandallCOUNSEL FOR PLAINTIFFCOUNSEL FOR DEFENDANTJUDGE WolfCLERK O'LearyREPORTER RomanowCLERK'S NOTES

DATES:	Sentencing Hearing
8/9/06	Court adopts the factual statements contained in the pre-sentence reports without objection by the parties.
	Guideline for each defendant is TOL 14, CH I, 15-21 months custody, 36-60 months supervised release,
	\$470,477.06 in restitution, \$4K -\$9 million fine, \$1000.00 special assessment fee. Government recommends
	a sentence at the low end of the guidelines for both defendants for custody and supervised release and the
	court impose restitution. Defendant Cabana argues for a sentence of 3 months custody followed by 9
	months home confinement. Defendant, Cabana, addresses the court. Defendant, Smith, argues for sentence
	of 1 day committed, 36 months supervised release first 6 months in CCC followed by 6-9 months of home
	confinement. Defendant, Smith, addresses the court. Formal sentencing: Cabana - 15 months custody followed
	by 36 months supervised release on the standard condition plus the special conditions outlined in court,
	pay restitution in the amount of \$470,477.06, no fine, \$1000 special assessment fee. Smith - 12 months and
	1 day, followed by 36 months supervised release on the standard conditions plus the special conditions outlined
	in court. All other terms of the sentence are the same as Cabana's. Court does not impose the drug testing
	for Cabana but does for Smith. Court advises the defendants of their right to appeal and to counsel. Court
	allows the defendants to self report by 12:00 9/18/06. Court denies the defendants' request to stagger the
	sentences.